

EXHIBIT 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

Nickels and Dimes Incorporated,)
)
)
Plaintiff,)
)
)
v.) Case No. 3:23-CV-699-CCB-MGG
)
)
Noah's Arcade, LLC d/b/a Full Tilt,)
Ben Konowitz, and Ryan Hart,)
)
Defendants.)

**DECLARATION OF BRADLEY WALZ IN SUPPORT OF PLAINTIFF'S
MOTION TO COMPEL DISCOVERY**

I, Bradley Walz, declare as follows:

1. I am an attorney at the law firm Taft Stettinius & Hollister, LLP ("Taft"). Taft is counsel of record for Plaintiff Nickels and Dimes Incorporated in the above-captioned lawsuit. I have personal knowledge of the statements in this declaration unless otherwise stated.
2. In the course of the above-captioned lawsuit, myself and the other attorneys at my firm have been engaged in attempting to resolve discovery disputes with the Defendants Noah's Arcade, LLC d/b/a Full Tilt, Ben Konowitz, and Ryan Hart. I have personally been involved in preparing, participating in, and/or overseeing all calls, meetings, hearings, letters, emails, and other correspondence with Defendants' counsel.
3. On May 17, 2024, Plaintiff served its Second Set of Requests for Production and on Defendant Noah's Arcade, LLC d/b/a Full Tilt, and its First Sets of Requests for Production on Defendants Ben Konowitz and Ryan Hart.
4. Plaintiff's counsel has made significant efforts to communicate, meet and confer, and resolve discovery issues over the last two months. Defendant and its counsel has failed to meaningfully participate in discovery through the majority of that time. Almost all Plaintiff's

efforts in prosecuting this case over the last several months, costing considerable time and expense, were directed toward obtaining Defendants' compliance with its discovery obligations. The following chart contains a true and accurate summary of the dates, events, correspondence, and exhibit numbers discussed in Plaintiff's Second Motion to Compel Discovery and for Sanctions in regard to each instance of Defendant's failure to meaningfully participate in discovery:

Date	Description of Event	Ex. No./ECF No.
5/17/2024	Plaintiff served its Second Set of Requests for Production on Defendant Noah's Arcade, LLC d/b/a Full Tilt.	Exs. 1-1
5/17/2024	Plaintiff served its First Set of Requests for Production on Defendants Ben Konowitz and Ryan Hart.	Exs. 1-2 & 1-3
6/18/2024	The undersigned reached out to Defendants' counsel, explaining that the deadline had passed and “[a]gain, no responses were received from any of the defendants, and no request to extend the time to respond by any of the defendants was received. Therefore, all objections to the form of the Document Requests have been waived and we expect full responses by Friday, June 20 th . ”	Ex. 1-4
6/18/2024	Defendants produced their responses to the First Set of Requests for Production on Defendants Ben Konowitz and Ryan Hart.	Exs. 1-5 & 1-6
6/18/2024	Defendants produced its responses to the Second Set of Requests for Production on Defendant Noah's Arcade, LLC d/b/a Full Tilt.	Ex. 1-7
6/28/2024	The undersigned sent Defendants a discovery deficiency letter.	Ex. 1-8
7/15/2024	Defendants' counsel sent a letter after the parties' meet and confer.	Ex. 1-9

5. Plaintiff's counsel has not received any further supplementation from Defendants' counsel since July 15, 2024.

6. True and accurate copies of each of the Exhibits referenced above are attached hereto.

I declare under penalty of perjury under the laws of the United States that to the best of my knowledge, belief, and information, I believe the foregoing is true and correct, in accordance with 28 U.S.C. § 1746.

Respectfully submitted,

July 30, 2024

s/Bradley J. Walz
Bradley J. Walz